A.

NOT TO BE PUBLISHED - SEE LOCAL RULE 8 (d)

United States Court Of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 81-1669

September Term, 19 81

Sonia M. Keith, Appellant

Civil Action No. 80-03251

v.

William French Smith, Attorney General, et al.

United States Court of Appeals
for the District of Columbia Circuit
FILED APR 13 1982
GEORGE A. FISHER
CLERK

Appeal from the United States District Court for the District of Columbia.

Before: WILKEY and MIKVA, Circuit Judges; and GESELL*, United States District Judge for the District of Columbia

JUDGMENT

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia, and was argued by counsel. While the issues presented occasion no need for an opinion, they have been accorded full consideration by the Court. *See* Local Rule 18(c).

On consideration of the foregoing, It is ordered and adjudged by this Court that the judgment affirmed. of the District Court appealed from in this cause is hereby

(It was dismissed April 13, 1982. no opinion)

Per Curiam
For the Court
George L. Fisher
George A. Fisher
Clerk

*Sitting by designation pursuant to 28 U.S.C. §292(a).

Bills of costs must be filed within 14 days after entry of judgment. The Court looks with disfavor upon motions to file bills of costs out of time.

A.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 81-1669 September Term, 19 81

Sonia M. Keith,
Appellant

Civil Action No. 80-03251

v.

William French Smith,
Attorney General, et al.

ARGUED 2-25-82

BEFORE: Wilkey and Mikva, Circuit Judges; and Gesell*, Judge, United States District Court for the District of Columbia

O R D E R

On consideration of appellant's petition for rehearing it is

ORDERED by the Court that the aforesaid petition is denied.

Per Curiam

United States Court of Appeals
for the District of Columbia Circuit

FILED JUL 12 1982

GEORGE A. FISHER
CLERK

FOR THE COURT:

George A. Fisher,
Clerk

BY: Robert A. Bonner
Robert A. Bonner
Chief Deputy Clerk

*Sitting by designation pursuant to Title 28 U.S.C. §292(a).

B.

STATUTUES AND PUBLIC LAWS

The Ethics in Government Act of 1978, Public law 95-521. Title VI Amendment to Title 28, USC. Sec. 601 (a) - chap. 39 - Special Prosecutor. Sec. 592(a).

591(a). The Attorney General shall conduct an investigation pursuant to the provision of this chapter whenever the Attorney General receives specific information that any of the persons described in subsection (b) of this section has committed a violation of any federal criminal law other than a violation constituting a petty offense.

Subsection (b)4. Any individual working for the Department of Justice and compensated at a rate not less than the annual rate of basic pay provided for level III of the executive schedule under sec. 5314 of Title 5. This includes the Responden

592 (a). The Attorney General upon receiving specific information that any of the persons described in sec. 591 (b) of this title has engaged in conduct described in sec. 591 (a) of this title, shall for a period not to exceed 90 days, such preliminary investigation of the matter as the Attorney General deems appropriate.

(c). If the Attorney General upon completion of the preliminary investigation, finds that the matter warrants further investigation or prosecution, or if the 90 elapse from the receipt of the information without a determination by the Attorney General that the matter is so unsubstantiated as not to warrant further investigation or prosecution, the Attorney General shall spply to the division of the court for the appointment of a Special Prosecutor.

14TH AMENDMENT - Due Process clause.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life,

B.

liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws".